

EXHIBIT “C”

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CORNELIUS HILL and : CIVIL ACTION
TRUDIE HASTINGS, h/w :
-vs- :
N.B. NIEDERELBE SCHIFFFAHRTSGES.mbH :
& CO., FLAEISZ SCHIFFFAHRTSGES.mbH & :
CO., and CROWLEY AMERICAN TRANSPORT : NO. 02-CV-2713

Oral deposition of DWIGHT JONES, was taken
pursuant to notice, held at RAWLE & HENDERSON, The
Widener Building, One South Penn Square,
Philadelphia, Pennsylvania, commencing at 2:29 p.m.
on December 12, 2002, before April J. Wills,
Certified Shorthand Reporter and Commissioner of
Deeds in the Commonwealth of Pennsylvania, there
being present:

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A P P E A R A N C E S:

BY: E. ALFRED SMITH, ESQUIRE
1333 Race Street, 2nd Floor
Philadelphia, PA 19107
Counsel for Plaintiff

RAWLE & HENDERSON
BY: CHARLES McCAMMON, ESQUIRE
The Widener Building
One South Penn Square
Philadelphia, PA 19107
Counsel for Defendant

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WITNESS: INTERROGATION BY PAGE
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1 any other turnbuckles that night on the ship?
2 A. No.
3 Q. But on most ships, you have to do this
4 once or twice a night?
5 A. I don't think you could say that. It
6 happens, not that often.
7 Q. Now, I assume that there -- how many
8 lashing bars were actually on the container that you
9 were working?
10 A. Two.
11 Q. Were you outboard or inboard of where
12 Cornelius was standing?
13 A. I was inboard of where Cornelius was
14 standing.
15 Q. When you looked up at the container,
16 did you see any problems with the way the lashing
17 rods were? You said you looked up to see that you
18 had the right container.
19 A. Yeah.
20 Q. Did you see any problems?
21 A. I didn't see any problems, but again,
22 I'm not -- you know, I'm not looking for that. I'm
23 just looking for my numbers to make sure that I've
24 got the right container.

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1 Q. And you saw -- did you have the right
2 container?
3 A. I saw that I had the right container.
4 Q. Do you recall at this time what tier of
5 containers you were unlashings?
6 A. I believe I was on the third tier.
7 Q. Would those lashing rods have been
8 going to the bottom of those containers, the bottom
9 corner fittings?
10 A. The bottom corner -- yeah, it's in the
11 bottom -- that's the bottom corner fitting of the
12 third height.
13 Q. When you're lashing three high or when
14 anybody's lashing three high, do you just lash the
15 top container or would the second and first
16 containers also be lashed?
17 A. It depends on if I'm -- you're talking
18 about now me loading or --
19 Q. Yeah, unloading.
20 A. Unloading?
21 Q. Well, when you looked at this stack of
22 three, --
23 A. Right.
24 Q. -- was it just the top stack that --

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1 the top container that was lashed or were the other
2 two containers also lashed?
3 A. I can't remember. It was probably all
4 three, but I can't remember because that's as far as
5 I got, that top tier, that one container. That's as
6 far as I got.
7 Q. You say it was probably all three. Is
8 that based on the location of where you were
9 working? Would the outboard containers have three
10 sets of lashing gears versus --
11 A. It depends.
12 Q. Now, you said when you hit it, it
13 flew. Did the actual turnbuckle on the deck level
14 separate from the --
15 A. Yes.
16 Q. -- lashing rod?
17 A. Yes.
18 Q. So that came undone?
19 A. Yes.
20 Q. How about at the top?
21 A. It left the top of the third tier and
22 it just flew.
23 Q. And it also left the hook?
24 A. Yeah. It just flew.

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1 Q. And he was outboard of you?
2 A. Yes.
3 Q. Are you right-handed or left-handed?
4 A. Right-handed.
5 Q. Do you recall which hand you used to
6 hit the turnbuckle?
7 A. I don't recall exactly which hand,
8 but --
9 Q. Did you hit the actual turnbuckle or
10 hit the lashing --
11 A. No. I hit -- I believe I hit the
12 turnbuckle.
13 Q. Now, is it ever a two-person job to
14 unlash these longer lashing rods?
15 A. Never.
16 Q. So the longshoremen never work --
17 A. Never.
18 Q. -- two people at a time?
19 A. No.
20 Q. How heavy are those rods?
21 A. I don't know.
22 Q. But it's always a one-person job?
23 A. It's always a one-person job.
24 Q. When you hit the lashing rod or the

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1 at it, you noticed that there was no grease?

2 A. Yeah, no grease. No grease on my
3 gloves, no grease on my coveralls, so you notice
4 it.

5 Q. Now, sometimes with these turnbuckles,
6 even if they are greased, can't you still have a
7 problem untightening them if some of the -- if the
8 -- you know, if the screw isn't completely
9 fine-tuned?

10 A. Most of the time if they're greased,
11 you usually don't have a problem.

12 Q. But sometimes you do?

13 A. You may -- you may find one like that.

14 Q. Now, I'm still sort of confused. I
15 know you told me exactly what happened, but I'm not
16 sure why it happened. I mean, do you have any sort
17 of --

18 A. I don't know either.

19 Q. -- understanding of how it happened
20 that way?

21 A. It's never happened. I've never seen
22 that. I've never heard anyone else.

23 Q. So it's a completely freak accident?

24 A. I've never heard anyone else say that

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1 that sort of thing has happened. I've never seen
2 anything like that happen before.

3 Q. And you've been working on the
4 waterfront since '76?

5 A. Yeah. That's when I came down there
6 permanent. I worked summers as a kid since 1972.

7 Q. So when you actually went to hit it,
8 you didn't think there was any danger?

9 A. No.

10 Q. There was no reason to think there was
11 any danger?

12 A. No. No reason to think there was any
13 danger.

14 Q. And there was no reason for the vessel
15 owner to think there was any danger because --

16 MR. SMITH: Objection.

17 THE WITNESS: I can't speak for the
18 vessel owner.

19 BY MR. McCAMMON:

20 Q. But in your opinion, there was no --

21 A. I can't speak for the owner.

22 Q. But you were the one who was about to
23 hit it so you didn't think there was a dangerous
24 condition.

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1 A. I was about to do what I would normally
2 do in that situation.

3 Q. And you did exactly what you were going
4 to do?

5 A. I did what I normally do, what everyone
6 else would do.

7 Q. And prior to you hitting this thing,
8 did you actually see any crew members in the area?
9 Were there any other witnesses or did you see
10 anybody else, any other longshoremen in that same
11 bay?

12 A. There was no other longshoremen in that
13 same bay.

14 Q. Do you recall whether there were any
15 crew members in that same bay?

16 A. I don't recall seeing any crew
17 members.

18 Q. But did you see any crew members?

19 A. I don't know. I'm telling you I don't
20 remember whether I saw a crew member or not.

21 Q. Did you speak to any crew members?

22 A. I don't remember speaking to any crew
23 members.

24 Q. But you can't give me a yes or no

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1 answer?

2 A. I didn't speak to any crew members.

3 Q. None of the crew members gave you any
4 orders or instructions?

5 A. No crew member gave me any orders or
6 any instructions.

7 Q. And the wrench that you were working
8 with, was there any problem with that? Was it --

9 A. No.

10 Q. So it was fine?

11 A. Fine.

12 Q. Now, do you always use the wrenches or
13 are they hand tight? I mean, usually with these
14 lashing rods, can you just go up to one and unlash
15 it just with your hands or usually you have to put
16 the wrench on it?

17 A. Usually you have to put the wrench on
18 it.

19 Q. And you're familiar with loading
20 containers also, aren't you?

21 A. Yes.

22 Q. And usually when you're loading them,
23 do you wrench them tight or do you hand tighten
24 them?